

**FAIRFAX COUNTY PLANNING COMMISSION
LAND USE PROCESS COMMITTEE
THURSDAY, MAY 4, 2017**

PRESENT: James T. Migliaccio, Lee District, Chairman
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Peter F. Murphy, Springfield District
Karen A. Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: None

OTHERS: Frank A. de la Fe, Hunter Mill District
Julie M. Strandlie, Mason District
Timothy J. Sargeant, Commissioner At-Large
John W. Cooper, Clerk, Planning Commission
Cathy Belgin, Zoning Administration Division (ZAD), Department of Planning
and Zoning (DPZ)
Leslie Johnson, ZAD, DPZ
Lorrie Kirst, ZAD, DPZ
Fred Selden, DPZ
Marianne Gardner, Planning Division, DPZ
Regina Coyle, Special Projects, DPZ

ATTACHMENTS:

- A. Zoning Ordinance Provisions Regarding Modification of Maximum Coverage Limitation for Minimum Required Rear Yards
- B. Illustrations – Maximum Coverage Limitation for Minimum Required Rear Yards

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Chairman James T. Migliaccio called the meeting to order at 7:02 p.m. in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia, 22035.

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Cathy Belgin, Zoning Administration Division (ZAD); Department of Planning and Zoning (DPZ) Leslie Johnson, ZAD, DPZ; Lorrie Kirst, ZAD, DPZ; Fred Selden, DPZ; Marianne Gardner, Planning Division, DPZ; and Regina Coyle, Special Projects, DPZ, discussed with the Committee members the feedback received on the proposed changes to the Planned Residential Community Amendment and the Minor Modifications Amendment to the Zoning Ordinance.

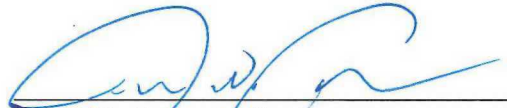
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The meeting was adjourned at 8:06 p.m.
James T. Migliaccio, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Inna Kangarloo

Approved: December 7, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission

**Proposed Zoning Ordinance Amendment Regarding
Modification of Maximum Coverage Limitation for Minimum Required Rear Yards**
(5-4-17)

Current Provisions in Par. 3 of Sect. 10-103:

"(a)ll uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard."

The Proposed Amendment would:

- **Increase the permitted by-right maximum percentage of minimum required rear yard coverage from 30% to 40% (or as high as 50%) for R districts.**
- **Allow a higher percentage of rear yard coverage in P districts from 30% to 50% (or as high as 60%) and would exempt P district lots below 5,000 sf.**
 - Why lots below 5,000 square feet, specifically?
 - The most dense zoning district that permits single family detached dwellings is R-5 District, and lots in the R-5 have a minimum lot size of 5,000 square feet. Therefore **lots below 5,000 square feet have a unique and more difficult circumstance** with respect to this provision.
- **Create a new special permit to increase in the maximum coverage of the minimum required rear yard to as high as 60% for conventional districts and 75% for P Districts.**
 - Filing fee of \$910 (*This is the same filing fee as other residential special permits.*)
 - Add a calculation of the percentage of the minimum required rear yard coverage as a submission requirement on all special permit applications involving a single family detached dwelling
 - Doesn't change current ability to modify coverage in P districts as part of a rezoning application.
 - Variance approval still required for coverage requests beyond that permitted by special permit, or P district lots may pursue PCA and/or FDPA approval.
- **Clarify what constitutes rear yard coverage (will add attached illustrations for clarity):**
 - Detached accessory structures are measured to outermost horizontal surface (*see Plate 1*);
 - Play equipment coverage would be measured to the outermost perimeter of any part of the structure, even if that exceeds the footprint (*see Plate 2*);
 - Walkways less than 5 feet in width would not count, irrespective of surface;
 - Decks and other projections from the dwelling would only count when such structures touch the ground (*ex. patios and chimneys would count, eaves, bay windows, and elevated decks would not, see Plate 3*).
 - Portions of the dwelling approved to extend into the minimum required rear yard by other zoning approvals would not count, and such structures would reduce the yard area from which to calculate coverage for other structures (*see Plate 4*).
- **Housekeeping item: Amend Par. 5 of Sect. 10-102 to **remove the 100 sq. ft. limitation for a child's play house**, so playhouses would be regulated the same as other accessory structures.**

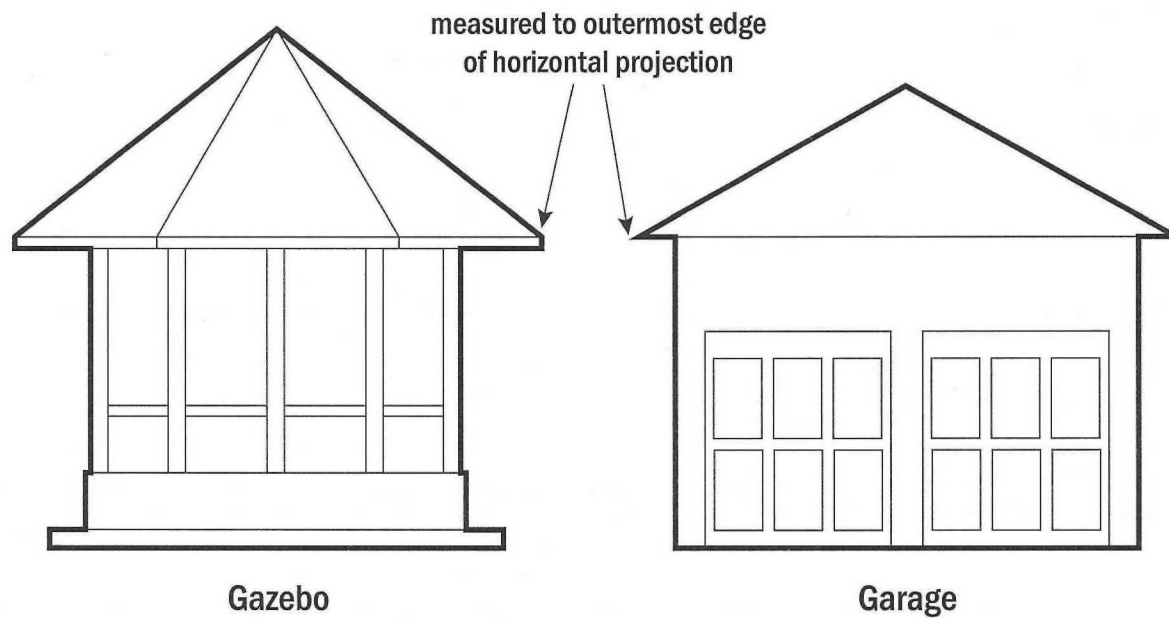
Proposed Zoning Ordinance Amendment Regarding
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Alternatives for Discussion:

- Exempt P Districts altogether from the maximum coverage of minimum required rear yards limitation, rather than just for those lots below 5,000 square feet.
 - There would be some inequity to this, because 5,000 square feet and above lots have a conventional district equivalent that would be subject to the coverage.
 - On the other hand, minimum required rear yards are consistently large (typically 25 feet) in the R Districts, whereas they can vary and be significantly smaller in the P Districts.
- Remove the minimum required rear yard coverage limitation entirely. This could include setting a “no accessory uses or structures within X feet of the rear lot line” provision, or it could simply rely on all other controls such as location regulations for accessory structures and grading plan requirements for significant projects to mitigate cumulative effects.

Illustration 6
Plate 1

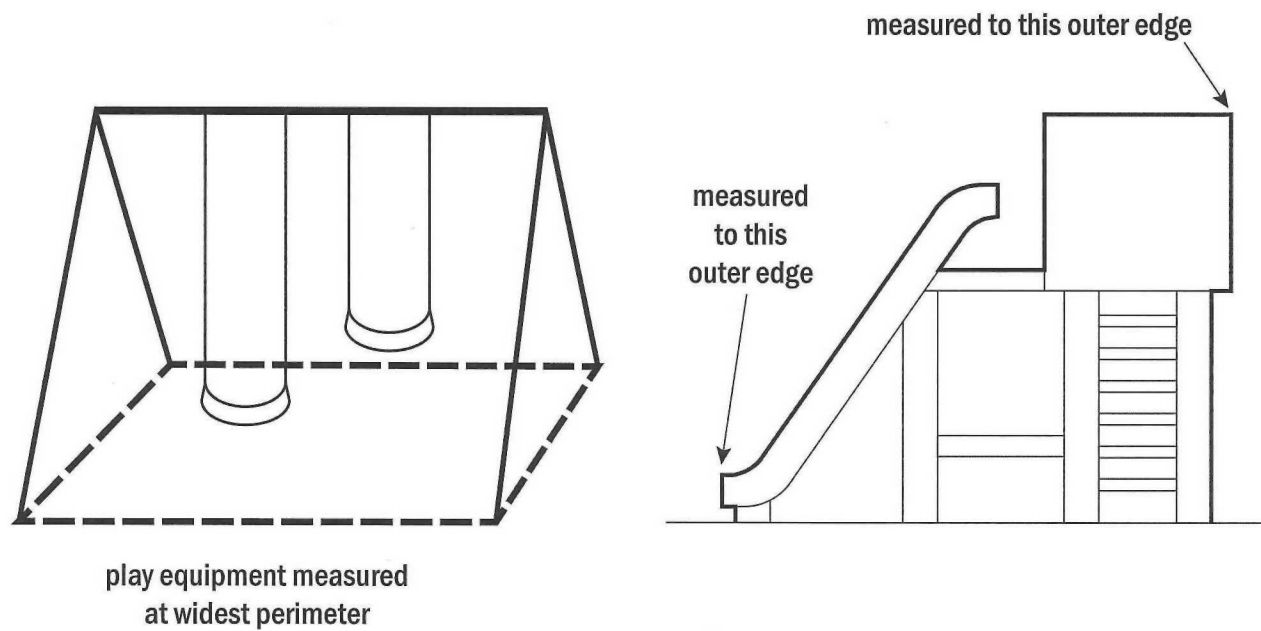
Maximum Coverage Limitation for Minimum Required Rear Yards



Freestanding Accessory Structures

Illustration 6
Plate 2

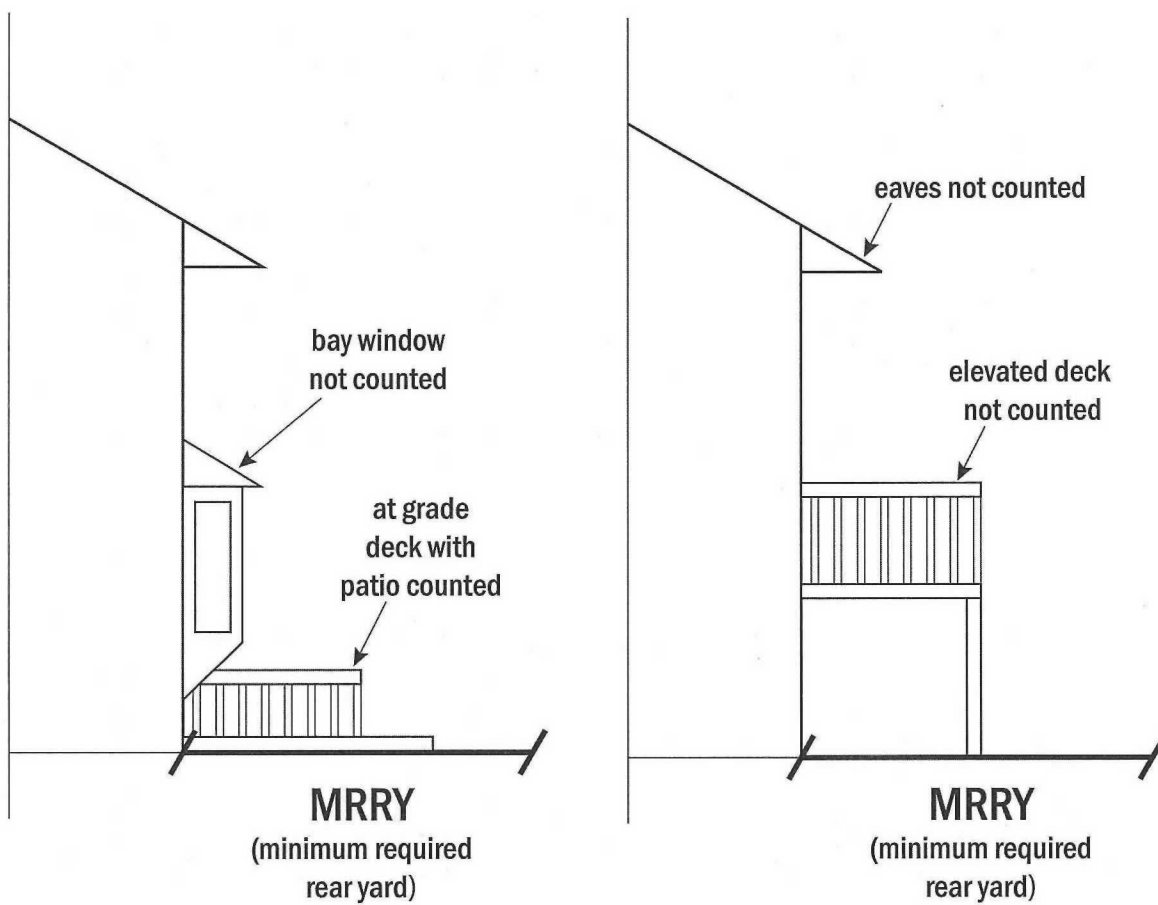
Maximum Coverage Limitation for Minimum Required Rear Yards



Children's Play Equipment

Illustration 6
Plate 3

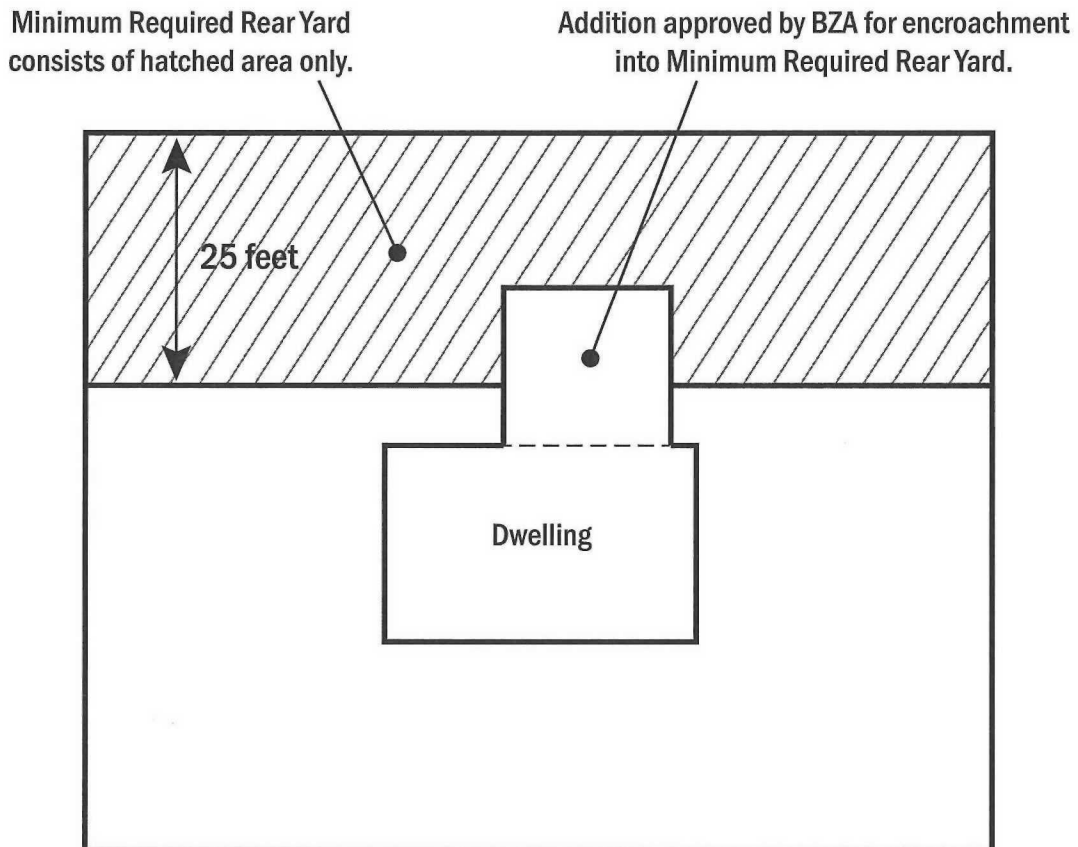
Maximum Coverage Limitation for Minimum Required Rear Yards



Horizontal Projections from Principal Dwelling

Illustration 6
Plate 4

Maximum Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard with Previously Approved Encroachment Excluded